

February 10, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation, IB Docket No. 02-10,
Procedures to Govern the Use of Earth Stations Onboard Vessels**

Dear Ms. Dortch:

On February 9, 2006, representatives of The Boeing Company (“Boeing”) met with members of the International Bureau staff to discuss issues raised in the above-referenced proceeding. Participants in the meeting included Audrey Allison of Boeing; Carlos Nalda of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.; Phil Malet of Steptoe & Johnson LLP; and Jim Ball, Howard Griboff, Jennifer Gorny, Karl Kensinger, Scott Kotler, Paul Locke and Frank Peace of the International Bureau.

The meeting focused on the issues set forth in the attached Microsoft PowerPoint presentation (*see* Attachment 1). In addition, Boeing submits into the record of this proceeding the following additional materials relating to Boeing’s request for the Commission to reconsider the 10log(N) provision set forth in Section 25.222 of the Rules governing Ku-band ESV licensing:

- The March 23, 2004 *ex parte* submission of the Satellite Industry Association (“SIA”) in IB Docket No. 00-248 confirming the satellite industry’s position that use of the 10log(N) approach for traditional C-band and Ku-band FSS earth station licensing was not intended to cover earth stations onboard vessels (“ESV”) and Aeronautical Mobile-Satellite Service (“AMSS”) systems (*see* Attachment 2);
- Excerpts from the September 6, 2005 comments of SIA in IB Docket No. 00-248 confirming that use of the 10log(N) approach may not be appropriate for CDMA systems (*e.g.*, AMSS networks) that assign capacity on demand and have the capability for controlling aggregate off-axis e.i.r.p. density (*see* Attachment 3);

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- A technical description of the Connexion by BoeingSM (“Connexion”) Maritime system (*see* Attachment 4); and
- Copies of the 30 and 60-day License Compliance Reports submitted by Boeing in connection with the operation of individual Connexion aircraft earth station (“AES”) terminals pursuant to its AMSS license (Call Sign E000723), which provide additional information on the network control capabilities of the Connexion system and demonstrate that the Connexion system can employ dynamic power control and effectively control aggregate off-axis e.i.r.p. spectral density (*see* Attachments 5 and 6, respectively).¹

Finally, Boeing seeks to update the record of this proceeding with respect to ESV cessation of emissions. Specifically, as set forth in Boeing’s request for Special Temporary Authority (“STA”) to operate Connexion Maritime ESVs on an interim, technically simplified basis, the current Connexion Maritime ESV terminal is capable of ceasing emissions with 100 milliseconds of detecting pointing error in excess of 0.5 degrees.² Thus, while Boeing believes that it is necessary to revise the ESV cessation of emissions rule and that the Commission should consider adopting the approach to cessation of emissions being adopted by the European Telecommunications Standards Institute (“ETSI”), it need not adopt the somewhat larger cessation of emissions value (200 milliseconds from detection of exceedance) noted in Boeing’s Petition to accommodate the current Connexion Maritime ESV terminal.³

¹ Although the 30 and 60-day reports address Connexion AESs, the factors associated with control ESV off-axis e.i.r.p. spectral density are similar and ESV operations will be controlled by the same well-proven Connexion network control system. Specific information regarding the Connexion Maritime system’s ability to provide bandwidth-on-demand services and to control aggregate off-axis e.i.r.p. spectral density of simultaneously transmitting ESVs will be provided in the application for that ESV system.

² *See* Application of The Boeing Company for Special Temporary Authority to Operate Earth Stations Onboard Vessels in the 14.0-14.5 GHz and 11.2-12.75 GHz Bands, File No. SES-STA-20060130-00174, at 14 (filed January 30, 2006).

³ *See* Petition for Partial Clarification or Reconsideration of the Boeing Company, IB Docket No. 02-10, at 18-21 (filed March 2, 2005).

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Any questions regarding this matter may be directed to the undersigned.

Respectfully submitted,

/s/ Carlos M. Nalda

Carlos M. Nalda

Counsel for The Boeing Company

Attachments

cc: Jim Ball
Howard Griboff
Jennifer Gorny
Karl Kensinger
Scott Kotler
Paul Locke
Frank Peace